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To: licensinglistserv@virginiainteractive.org
Subject: Revisions to Assisted Living Facility (ALF) Standards

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October 31, 2011

TO: Assisted Living Facility Licensees and Applicants

FROM: Lynne A. Williams, Director
Division of Licensing Programs

SUBJECT: Revisions to Assisted Living Facility (ALF) Standards Regarding
(1) Acting Administrators and (2) Reports to the Department of Health Professions
(DHP)

Standards for Licensed Assisted Living Facilities have been revised, effective November 1, 2011, to provide for changes related to acting administrators and reporting to DHP. The changes conform to revisions in the *Code of Virginia* that were passed by the 2011 session of the General Assembly. The revisions to the ALF standards were published as a final regulation in the September 12, 2011 *Virginia Register of Regulations*. This action was exempt from the full procedures of the Administrative Process Act, since it was necessary to conform to Code changes and there was no agency discretion involved.

The ALF standard that contains the changes is 22 VAC 40-72-201. In summary, the revisions regarding the acting administrator basically relate to an ALF that is licensed for both levels of care (residential and assisted). The changes allow the ALF to be operated for 150 days by an acting administrator who has applied for licensure, with a possible 30-day extension when awaiting the results of the national exam. The acting administrator must be qualified by education for an approved administrator-in-training program and have at least one year of administrative or supervisory experience in a health care or long-term care facility, or have completed such a program. Facilities are limited to operating with an acting administrator one time during any two-year period unless authorized otherwise by the Department of Social Services.

Another change, which applies to all ALFs, in the same standard, requires that an ALF administrator report certain information to DHP under specified circumstances about persons

regulated by that department. This includes, but is not limited to, information regarding substance abuse and unethical or fraudulent conduct. The exact reporting requirements are specified in § 54.1-2400.6 of the *Code of Virginia*. The link to this section of the Code is <http://lis.virginia.gov/cgi-bin/legp604.exe?000+cod+54.1-2400.6>. The administrator of every ALF should review this section of the Code.

There was also a technical revision made to 22 VAC 40-72-660 3 c, in which the reference to the subsection of 22 VAC 40-72-201 was changed.

The revised *Standards for Licensed Assisted Living Facilities* may be found on the DSS public website at <http://www.dss.virginia.gov/facility/alf.cgi>. Replacement pages with the changes are also on the same website so that those of you who have a hard copy of the standards can update them with the latest revisions. Please carefully review 22 VAC 40-72-201 so that you are knowledgeable of the specifics of the new requirements.

If you have any questions, please contact your licensing inspector.

Thank you.